

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DEBRIA BOWIE

§

§

vs.

§

CIVIL ACTION 6:16cv1080

§

COMMISSIONER, SOCIAL

§

SECURITY ADMINISTRATION

§

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED
STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and that the complaint be dismissed with prejudice. Plaintiff filed a written objection on March 2, 2018.

Having made a *de novo* review of the objection filed by Plaintiff, the findings, conclusions and recommendation of the Magistrate Judge are correct and Plaintiff's objection is without merit. In her objection, Plaintiff asserts that the Report and Recommendation erred in finding that the ALJ's residual functional capacity was not erroneous because the ALJ did not properly consider medical evidence of her use of a cane and limited range of motion. As set forth in the Report and Recommendation, the ALJ fully considered Plaintiff's pain and limitations, including her limited lumbar range of motion and use of a cane. Plaintiff does not explain how these conditions are inconsistent with the ALJ's finding of the ability to perform sedentary work. The ALJ applied the proper legal standards and concluded that the extent of Plaintiff's alleged limitations are not fully

supported by the objective medical record as a whole. The state agency physicians provided the only opinions in this case concerning Plaintiff's residual functional capacity, and they determined that Plaintiff could perform light work.¹ The ALJ, however, viewed the record as a whole and accounted for Plaintiff's subjective complaints by assigning only "some" weight to these opinions and reducing Plaintiff's residual functional capacity to sedentary work.²

The ALJ's RFC finding is consistent with the medical record as a whole and is supported by substantial evidence. Plaintiff's written objection lacks merit. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court. It is

ORDERED that Plaintiff's objection is **OVERRULED**. The decision of the Commissioner is **AFFIRMED** and this Social Security action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **6** day of **March, 2018**.



Ron Clark, United States District Judge

¹ See Administrative Record, ECF 10-3, at *10–17 (Dr. Fox) and at *29–37 (Dr. Wright).

² See Administrative Record, ECF 10-2, at *27.